

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 08 JUN 2004

WIPO PCT

Applicant's or agent's file reference 2002P06767WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/02886	International filing date (day/month/year) 19.03.2003	Priority date (day/month/year) 30.04.2002
International Patent Classification (IPC) or both national classification and IPC B60R25/04, B60R25/04		
Applicant SIEMENS AKTIENGESELLSCHAFT ET AL.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the opinion</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>	

Date of submission of the demand 26.06.2003	Date of completion of this report 08.06.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Kamara, A Telephone No. +31 70 340-4637



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International application No. PCT/EP 03/02886

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-6 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-6
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.**

Reference is made to the following document:

D1: US6144112

To Chapter V.2.

**V.2.1 Independent Claims 1 and 6**

Document D1 discloses (see Fig. 1):

An apparatus arranged for providing drive-off security in a motor vehicle environment (col. 3, l. 65 - col. 4, l. 1) through blocking one (16, 18) or more vehicle engine system subfunctions (col. 5, lines 2-4), such blocking (col. 5, l. 38 - col. 6, l. 31) being triggered by a detection of an unauthorized system activation (col. 2, l. 47-53), said apparatus having the properties that a particular said subfunction facility (Fig. 1, (16, 18)) comprises an on-off control circuit (Fig. 1, (16)) pertaining to and , controlling a fuel pump arrangement functionality means (Fig. 1, 18). Document D1 discloses also a vehicle being provided with said apparatus (see col. 2, l. 1-43; Fig. 1, (1)). Therefore, the present application does not satisfy the criterion set forth in Article 33 (2) PCT because the subject-matter of independent claims 1 and 6 is not new in respect of the available prior art as defined in the regulations (Rule 64 (1)-(3) PCT).

**V.2.2. Claims 2-5 depending on Claim 1**

Claims 2-5 depending on claim 1 and having as subject-matter special embodiments of the invention according to claim 1 do not fulfil the provisions of Article 33 (2) PCT for the following reasons:

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The features of depending Claims 2-5 are already known document D1:

claims 2, 3: see col. 2, l. 59-67,

claim 4: see col. 4, l. 53 - col. 5, l. 2,

claim 5: see col. 5, l. 2-4; Fig. 1, (18).

The subject-matter of dependent claims 2-5 is therefore not new (Article 33 (2) PCT) in respect of the available prior art as defined in the regulations (Rule 64 (1)-(3) PCT).

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VIII-4-1	<p><b>Declaration: Inventorship (only for the purposes of the designation of the United States of America)</b></p> <p>Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv)) for the purposes of the designation of the United States of America:</p> <p>I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.</p> <p>This declaration is directed to the international application of which it forms a part (if filing declaration with application).</p> <p>I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.</p>
VIII-4-1 -1	Prior applications:

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<p>I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>	
VIII-4-1 -1-1	Name:
VIII-4-1 -1-2	Residence: (city and either US State, if applicable, or country)
VIII-4-1 -1-3	Mailing address:
VIII-4-1 -1-4	Citizenship:
VIII-4-1 -1-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)
VIII-4-1 -1-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)
<p>RUMPF, Bernd Nidderau, Germany</p> <p>Dresdener Ring 5 DE</p> <p></p> <p>25. März 2003</p>	